

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : James Jannard et al.) Group Art Unit 2873
)
 Appl. No. : 10/628,831)
)
 Filed : July 28, 2003)
)
 For : WIRELESS INTERACTIVE)
 HEADSET)
)
 Examiner : Hung Xuan Dang)

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November 17, 2004

(Date)

Michael A. Guilian, Reg. No. 42,611

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement, Applicants elect Group II (Claims 14-25) for prosecution in the present application.

The present election is being made with traverse. Applicant submits that it is well established that:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions.**

M.P.E.P. § 803 (emphasis added).

A proper search for art related to the elected Group would necessarily include the classes and subclasses relevant to a search for the non-elected Group. Thus, examination

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of all the claims would not present "a serious burden" on the Examiner. Applicants therefore respectfully request that the present restriction requirement be withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 17, 2004

By: 

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